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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 MICHAEL FOX,

12 Plaintiff,

13 vs.

14 PAULA PATSON, et al.,

15 Defendants.

CASE NO. 07cv2388 DMS (POR)

**ORDER DENYING PLAINTIFF'S  
REQUEST FOR DEFAULT  
JUDGMENT**

[Docket No. 20]

16 This case comes before the Court on Plaintiff's request for default judgment. It appears  
17 Plaintiff is requesting that the Court enter defaults on behalf of the United States Attorneys Office, the  
18 Federal Bureau of Investigation and the United States Department of Justice, all of which were named  
19 as defendants in Plaintiff's original complaint filed on December 20, 2007. Plaintiff filed proofs of  
20 service on these entities on January 22, 2008, and he asserts he is entitled to have the Court enter their  
21 defaults since they failed to respond to the complaint within the time provided.

22 One of the problems with Plaintiff's request, however, is he filed a First Amended Complaint  
23 on January 30, 2008. Although it appears Plaintiff did not intend this result, the First Amended  
24 Complaint supercedes the original complaint. Furthermore, the defendants against whom Plaintiff  
25 seeks to enter defaults have entered an appearance in this case in the form of a motion to dismiss,

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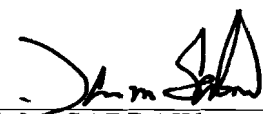
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1 which is currently under submission. For these reasons, the Court's denies Plaintiff's request for  
2 default judgments.

3 **IT IS SO ORDERED.**

4 DATED: 6-20-08

  
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DANA M. SABRAW  
United States District Judge